

**DECLARATION OF SHAWN KURGAS
PURSUANT TO 28 U.S.C. § 1746(2)**

I, Shawn Kurgas, state as follows:

1. I am over the age of 18 and am fully competent to testify regarding the contents of this Declaration.
2. I make all statements in this Declaration based on my personal knowledge.
3. I am a resident of the state of Missouri and a citizen of the United States.
4. I am currently enrolled as a student at Linn State Technical College ("Linn State") in Linn, Missouri, and have been enrolled since August 23, 2011.
5. I am newly classified as a degree-seeking student at Linn State.
6. I am a student in Linn State's Electronics Engineering Technology Program and am also enrolled in a number of General Education courses. I do not use heavy machinery in this program.
7. I chose to attend Linn State because of the unique set of academic programs offered and because it is the only public technical college of its kind in the state of Missouri.
8. On or about September 7, 2011, I was informed that, under Linn State's new Drug Screening Program, I am required to submit to a drug test as a condition of my continued enrollment, despite the fact that school officials have no reason to suspect me of engaging in the use of illegal drugs.
9. On or about September 7, 2011, I submitted to a drug test by urinalysis and was charged a \$50 fee to cover the cost of the test.
10. I was removed from class with a group of other students to provide a sample.
11. It is my understanding that the sample has not yet been analyzed and no results have been reported to Linn State.
12. I was informed that, if I refused to submit to Linn State's mandatory drug test, an administrative or student-initiated withdrawal from the College would have been required.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

/s/ Shawn Kurgas
Shawn Kurgas

September 19, 2011